

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION

Miguel B. Perez and) Civil No: _____
Luis Olivares Medina,)
)
Plaintiffs,)
)
vs.)
)
Black Hills Trucking, Inc. and)
Melvin L. Nordhagen)
)
Defendants.)
)
)
)

NOTICE OF REMOVAL

In accordance with 28 U.S.C. §§ 1441 and 1446, Defendants Black Hills Trucking, Inc. (Black Hills) and Melvin L. Nordhagen (Nordhagen), file this Notice of Removal of the above captioned action from the Northwest Judicial District in Williams County, North Dakota, based on diversity of citizenship under 28 U.S.C. § 1332(a), as demonstrated below.

I. The State Court Action and Pleadings

1. The Summons and Complaint for this civil action was served on Black Hills' registered agent on June 25, 2015.
2. Nordhagen was served with the Summons and Complaint on or about June 24, 2015.
3. The state court action alleges claims for personal injury and is a civil action within the meaning of the Acts of Congress relating to the removal of cases.

4. The state court action has been filed as Case No. 53-2015-CV-00739 in Williams County, North Dakota. True and accurate copies of the following documents are attached as exhibits hereto:

Exhibit A: Summons

Exhibit B: Complaint

Exhibit C: Notice of Service of Process

Exhibit D: Notice of Filing of Notice of Removal and Certificate of Service.

5. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is being filed with the United States District Court for the District of North Dakota within 30 days of Black Hills' receipt of the Summons and Complaint.

II. Complete Diversity of the Parties

6. The Complaint states that Plaintiff Miguel B. Perez (Perez) is a resident of North Dakota. Upon information and belief, Perez is a citizen of North Dakota or is a citizen of some place other than the states of Wyoming or Washington.
7. The Complaint states that Plaintiff Luis Olivares Medina (Medina) is a resident of North Dakota. Upon information and belief, Medina is a citizen of North Dakota or is a citizen of some place other than the states of Wyoming or Washington.
8. Nordhagen is a resident and a citizen of Washington.
9. Black Hills is a corporation organized under the laws of Wyoming and has its principal place of business in Wyoming. Therefore, it is a citizen of Wyoming.
10. Complete diversity exists between the parties.

II. Amount in Controversy

11. The state court action seeks an unspecified amount of damages, but alleges “severe and permanent injuries.” The amount in controversy requirement is satisfied, because, prior to suit, Perez and Medina each demanded more than \$75,000.00, exclusive of interest and costs.

Pursuant to 28 U.S.C. § 1446(d), Black Hills and Nordhagen hereby provide notice that this Notice of Removal was served on Plaintiff’s counsel and was filed with the Northwest Judicial District in Williams County, North Dakota, on July 13, 2015.

DATED this 13th day of July, 2015.

CROWLEY FLECK PLLP
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By /s/ Michael C. Waller
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CERTIFICATE OF SERVICE

I hereby certify that on July 13, 2015, a true and correct copy of the above document was filed electronically with the Clerk of Court through ECF and with the Williams County Clerk of Court through Odyssey® system, and will be served electronically and via U.S. Mail, postage prepaid, upon the following:

ATTORNEYS FOR PLAINTIFFS:

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/s/ Michael C. Waller _____

Michael C. Waller
Alexander T. Tsomaya